

ORDINANCE NO. 91 ZONES

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE SONOMA COUNTY WATER AGENCY, STATE OF CALIFORNIA, SETTING SEWER SERVICE CHARGES, ON BEHALF OF AGENCY SANITATION ZONES AIRPORT-LARKFIELD-WIKIUP, GEYSERVILLE, PENNGROVE, AND SEA RANCH, CALLING FOR COLLECTION ON THE TAX ROLL FOR ALL ZONES, AND MAKING FINDINGS AND DETERMINATION OF EXEMPTION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. (2/3 VOTE REQUIRED).

The Board of Directors of the Sonoma County Water Agency, State of California, ordains as follows:

SECTION I

REPEALING PRIOR ORDINANCE.

Ordinance No. 16 is repealed and reenacted as follows.

SECTION II

SERVICE CHARGES.

“Annual Service Charge” is defined as a charge for use of the sewer system for a period of one year to each User, based on the estimated or actual usage of the sewer system, to cover the cost of operating, maintaining, and replacing the sewer system.

Annual Service Charges shall be based on an Equivalent Single Family Dwelling Unit (ESD) as defined in Section 2.01 of the Sonoma County Water Agency Sanitation Code and as calculated by the same methodology for connection fees.

Annual Service Charges per ESD on properties within the boundaries established as Sonoma County Water Agency Sanitation Zones, set forth in the following table, are hereby prescribed and established effective July 1, 2020 for fiscal year 2020-2021:

AGENCY'S ANNUAL CHARGES

<u>AGENCY SANITATION ZONE</u>	<u>ANNUAL SERVICE CHARGE</u>
Airport-Larkfield-Wikiup	\$1,018/ESD
Geyserville	\$1,158/ESD
Penngrove	\$1,628/ESD
Sea Ranch	\$1,242/ESD

At the discretion of the Board of Directors, the Board of Directors may impose or adjust Annual Service Charges by resolution for subsequent fiscal years.

SECTION III

Annual Service Charges shall be collected on the tax roll of the County of Sonoma, State of California, in the manner provided pursuant to Section 5471 through 5473.11 of the Health and Safety Code of the State of California, as amended. Pursuant to Health and Safety Code section 5473 and 5473.1, a written report containing a description of each parcel of real property receiving such services and facilities and the amount of the charge for each parcel shall be filed with the Clerk of the Board.

SECTION IV

METHODOLOGY FOR ESTABLISHING ANNUAL SEWER CHARGES AND SEWER SYSTEM CONNECTION FEES.

Connection fees shall be paid pursuant to Article V, Sections 5.01, 5.03, 5.04, 5.05, and 5.06 of the Sonoma County Water Agency Sanitation Code. Calculation of connection fees shall be determined by the General Manager in accordance with the attached Equivalent Single-Family Dwelling Billing Unit tables (Exhibit A). The Annual Service Charge for various types of users shall also be determined by the General Manager in accordance with Exhibit A.

Where, in the opinion of the General Manager or his/her designee, the determination of connection fees or Annual Service Charges in accordance with Exhibit A is inconsistent with a proposed use, the General Manager may make an independent calculation and determination using flow, biological oxygen demand, suspended solids, or any other component of the wastewater that contributes to the cost of collection, treatment, and disposal. In making such a calculation, the General Manager or his/her designee may rely on one or more of the following resources to make an independent calculation for the user: (1) the use in Exhibit A that most closely matches the proposed use, (2) federal and state standard estimated wastewater flows for onsite or private wastewater treatment or disposal systems, (3) flow and strength factors published in rate studies conducted by other public entities in Sonoma County, (4) if applicable, data provided by the equipment manufacturer; or (5) other published data.

When requested by a user with five or more ESDs of capacity for any one parcel, the General Manager may allow the Annual Service Charges to be based on actual measured usage of the sewer system. The General Manager will base the charge on the user's contribution of wastewater into the Agency's facilities including, but not limited to, flow, biological oxygen demand, suspended solids, or any other component of the wastewater that contributes to the cost of collection, treatment and disposal. Users requesting annual calculation of actual measured usage will pay an additional annual administrative charge of \$250, in addition to the Annual Service Charge based on actual measured usage.

SECTION V

CONNECTION FEE RATE. Connection fees per ESD are as follows:

A. Agency Sanitation Zone Airport-Larkfield-Wikiup:

Connection Fees for parcels within Airport Sewer Assessment District No. 1 shall be \$2,442.87 per ESD on July 1, 2019, and adjusted annually thereafter in accordance with paragraph G below.

Connection Fees for parcels outside Airport Sewer Assessment District No. 1 shall be \$12,214.56 per ESD on July 1, 2019, and adjusted annually thereafter in accordance with paragraph G below.

Connection Fees for parcels on Mark West Station Road which had sewer services installed to the property line at the time the trunk sewer was installed shall pay an additional connection fee of \$520 per ESD on July 1, 1994, and adjusted annually thereafter in accordance with item G below, in addition to the fees described above. The additional connection fee shall apply only to the services installed with the trunk sewer and shall not apply to any additional service the property owner elects to construct. Assessor Parcel Numbers 059-230-27, 28, 38, 39, 43, 44, 45, 47, 48, 53, 68 and 69; and 059-282-10, 11, 12, 13, 15, 22, 23, 24, 26; 059-283-03, 04, 05, 12 and 28; and 059-284-01, 02, 03, 04, 06, 07, 09, 16, 18, 19 and 20 are the parcels to which the additional connection fee applies.

B. Agency Sanitation Zone Geyserville:

Connection Fees in Agency Sanitation Zone Geyserville are \$4,044.40 per ESD on July 1, 2019, and adjusted annually thereafter in accordance with paragraph G below.

C. [REPEALED]

D. Agency Sanitation Zone Penngrove:

Connection Fees in Agency Sanitation Zone Penngrove are \$4,044.40 per ESD on July 1, 2019, and adjusted annually thereafter in accordance with paragraph G below.

E. Agency Sanitation Zone One Sea Ranch:

There is no connection fee for users inside of Units No's. 29A, 34A, 34B, 34C, 35A, 35B, 35C, 35D, 35E, 35F, 36A and 39. Connection fees for all other users in Agency Sanitation Zone One Sea Ranch are \$5,055.54 per ESD on July 1, 2019, and adjusted annually thereafter in accordance with paragraph G below.

F. Agency Sanitation Zone Sears Point:

Connection Fees are determined by agreement between the Agency and Sears Point Raceway.

G. Connection Fee Adjustment per ENR-CCI Index:

Connection fees shall be automatically adjusted annually each year on July 1 in proportion with the most recent change in the Engineering News Record Construction Cost Index (ENR-CCI) for San Francisco.

H. Connection Fee and Miscellaneous Terms and Conditions:

Pursuant to Article V, Section 5.05 of the Sonoma County Water Agency Sanitation Code, in the event of alteration of the building or of additional use of the sewer facilities for which the connection fee was originally established, additional fees shall be paid for the added equivalent single family dwelling units as calculated in Exhibit A.

In addition to Article V, Section 5.05 of the Sonoma County Water Agency Sanitation Code, users who wish to connect a building which is a replacement of a previously connected building, destroyed by no fault of the user, may have the connection fee waived if the user presents to the General Manager a valid fire marshal's report or insurance report within one year of the date of either report. Users not making such a presentation are deemed to have discontinued their connection to the sewer system.

In addition to the connection fees and Annual Service Charges adopted by the Board of Directors, the General Manager may establish additional terms and conditions of the usage permit or agreement pursuant to the Sonoma County Water Agency Sanitation Code, including but not limited to the fees discussed in this Ordinance.

SECTION VI

PAYMENT FOR ANNUAL SERVICE CHARGES.

New users, as defined in Section 2.01 of the Sonoma County Water Agency Sanitation Code, issued permits shall have the Annual Service Charge prorated from the first day of the month in which the permit is issued to the last day of the following June. Annual Service Charges for that period of time due hereunder shall be paid prior to issuing a permit to connect to the Agency's sewer system.

For the purpose of this Ordinance, each improved property shall be deemed to be fully and continuously occupied from and after the date of issuance of a permit to connect. Annual Service Charges for improved property shall not be refunded even though sewer service is abandoned or discontinued to the satisfaction of the General Manager prior to the last day of the following June. In such case, the Annual Service Charge shall cease as of the following July 1.

All Annual Service Charges payable hereunder, except septic haulers and others who have separate agreements for payment with the Agency, shall be paid in two equal installments. The payment for the first one-half of any fiscal year shall be due and payable on, or before, December 10th of the particular year. The payment for the second one-half of any fiscal year shall be due and payable on, or before, April 10th of the particular fiscal year.

If said service charges are not paid by the due date(s) shown above, a penalty of ten (10) percent of the amount due shall be applied as well as a one-half of one (1) percent per month penalty for nonpayment of said charges and the basic penalty.

SECTION VII

OUTSIDE USERS.

Unless provided otherwise by separate agreement, outside users, as defined by Section 3.28(F) of the Sonoma County Water Agency Sanitation Code, shall pay an Annual Service Charge based on 1.25 times the ESDs determined for that user.

SECTION VIII

OTHER FEES AND CHARGES.

- A. Relief of Variance Fees: Pursuant to Section 1.06 of the Sonoma County Water Agency Sanitation Code, any person making application for relief on variance will pay an application fee of \$750 at the time of submittal of the application.

- B. Wastewater Discharge Fees: Pursuant to Section 6.25 of the Sonoma County Water Agency Sanitation Code, any person making application for a wastewater discharge permit shall pay fees according to the following Table 2:

TABLE 2 – WASTEWATER DISCHARGE PERMIT FEES

USER CATEGORIES

(refer to the Sonoma County Water Agency Sanitation Code, Section 6.17)

TYPE OF FEE	SIGNIFICANT INDUSTRIAL USER/ CATEGORICAL	* GROUNDWATER WASTE HAULERS	* NON-RESIDENTIAL	** ZERO DISCHARGE & NON-RESIDENTIAL
Application Fee	\$175	\$50	\$100	\$50
Renewal Application Fee	\$175	\$50	\$100	\$50
Permit Issuance Fee	\$500	\$50	\$200	\$50
Permit Monitoring and Inspection Fee	Actual costs will be incurred by the Sanitation Zones for monitoring of permit conditions, including direct cost, labor burden, overhead and testing costs.			
Non-Compliance Monitoring Fee	Actual costs incurred by the Sanitation Zones associated with monitoring non-compliance with permit conditions, including direct cost, labor burden, overhead and testing costs.			
Surcharge Fee	Users will be charged the actual treatment cost per pound to process the biochemical oxygen demand (BOD) and total suspended solids (TSS) discharged at levels above ordinance limits.			
<p>*Includes businesses with pretreatment facilities, such as grease traps, interceptors, ion exchange unit, or metals recovery units. ** Includes businesses without pretreatment.</p>				

SECTION IX

ADDITIONAL SERVICE CHARGES AND CONNECTION FEES FOR EXCEEDING ESTABLISHED BILLING BASIS.

Whenever the General Manager determines that a user is exceeding the use for which the user is charged pursuant to the established billing bases set forth in this Ordinance for Annual Sanitation Charges or for connection fees, in addition to all other fines and penalties the District may impose, the user shall be charged an additional service charge. In addition, the General Manager may recalculate the user's annual service charge and charge additional connection fees. Additional charges and fees may be invoiced to user or collected on the tax roll. If additional charges and fees are invoiced and are not paid within 30 days of invoice, a basic penalty of ten percent (10%) for nonpayment and an additional penalty of one and one-half percent (1½%) per month for nonpayment of the charges and/or fees and the basic penalty shall be added to the charges and/or fees due.

SECTION X

CALIFORNIA ENVIRONMENTAL ACT.

The Board hereby finds that the California Environmental Quality Act does not apply to the establishment of charges pursuant to this Ordinance, as such fees are for the purpose of meeting operations expenses, meeting financial reserve needs and requirements, and setting aside funds for capital projects necessary to maintain service within the existing Agency's Sanitation Zones (15273 California Code of Regulations, 21080 Public Resources Code).

SECTION XI

SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Directors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION XII

This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Directors voting for or against the same, in a newspaper of general circulation, published in the County of Sonoma, State of California, and Sonoma County Water Agency's Clerk of the Board shall post in the office of Sonoma County Water Agency's Clerk, a certified copy of the full text of this Ordinance along with the names of those Directors voting for or against the Ordinance.

In regular session of the Board of Directors of the Sonoma County Water Agency, State of California, introduced, passed, and adopted after hearing this 19th day of May 2020, on regular roll call of the members of said Board by the following vote:

DIRECTORS:

RABBITT: _____ ZANE: _____ GORE: _____ HOPKINS: _____ GORIN: _____

Ayes _____ Noes _____ Absent _____ Abstain _____

WHEREUPON, the Chair declared the above and foregoing ordinance duly adopted and

SO ORDERED.

By: _____
Chair, Board of Directors
County of Sonoma, State of California

ATTEST:

By: _____
Clerk of the Board